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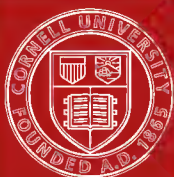
MERRITT KING.

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MANUAL

MERRITT KING

OF

CRIMES AND THEIR PUNISHMENTS.

*As Amended by Laws 1865
Chap. 212
and subsequent Statutes.*

COMPILED BY

J. C. KEELER.



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Abandonment.

The abandonment in any highway, street, field or building of any child under the age of six years by its parent, guardian, or other person to whose custody such child has been confided, with intent wholly to abandon it.

Imprisonment in a State prison not less than two nor more than ten years, or in a county jail not to exceed one year.

2 Edmund's Stat., 685, § 35.

Abduction.

1. Of any female child, under the age of fourteen years, from her parent, guardian, or other person having legal charge of her person, for the purpose of prostitution, concubinage or marriage.

Imprisonment in a State prison not less than one nor more than five years, or in a county jail not to exceed one year, or a fine not to exceed \$1,000, or both such fine and imprisonment.

2 Edmund's Stat., 683, § 26.

2. Of any unmarried woman, under the age of twenty-five, of previous chaste character, for the purpose of prostitution, or aiding or assisting therein.

Imprisonment in a State prison not to exceed two years, or county jail not to exceed one year.

Idem, § 25.

3. Of any woman, by force and against her will, with intent to compel her to marry such person or another or to be defiled.

Imprisonment in a State prison not less than five nor more than twenty years.

Idem, § 24.

4. Of any child, under the age of twelve years, from its parent, or other person having legal charge thereof, with intent to detain or conceal such child.

Imprisonment in a State prison not less than two nor more than ten years, or county jail not to exceed one year, or fine not to exceed \$500, or both such fine and imprisonment.

Idem, 685, § 34.

Abortion.

1. Willfully administering to, or using upon, or prescribing for, or advising, or procuring, any woman with child, to submit to the use of, any drug, medicine, instrument, or thing, with intent to produce a miscarriage, unless to preserve her life or that of her child, shall, in case of the death of such woman or child,

Imprisonment in a State prison not less than four nor more than twenty years.

Laws, 1872, 509, § 1.

2. The doing by, or suffering to be done upon her, by any women with child, of the acts aforesaid, unless to

save her life or that of her child, if the death of such child be produced thereby.

Imprisonment in a State prison not less than four nor more than ten years.

Idem, § 2.

3. Willfully selling or giving to, or prescribing for, or administering to, or advising or procuring any woman with child, to take anything, with intent thereby to have an abortion committed upon her, except to save her life or that of her child.

Imprisonment in a State prison not less than one nor more than three years.

Idem, § 3.

4. Willfully procuring advice or anything to be furnished a woman, with or without child, knowing that the same is intended to be used to commit an abortion.

Imprisonment in a county jail not less than three months nor more than one year, or fine not to exceed \$1,000, or both such fine and imprisonment.

Idem, § 4.

Acrobatic Exhibitions.

Suffering or permitting, by the lessee or manager of any theatre or place of amusement, an acrobat to perform on any trapeze, tight-rope, or other acrobatic contrivance, without a net-work, or other protection against danger by falling or other accident.

For first offense, fine not to exceed \$250.

For any subsequent offense, fine not to exceed \$250, and

imprisonment not less than three months nor more than one year.

Law, 1871, chap. 251, § 1.

Accessory.

Every person who shall be principal in the second degree to the commission of a felony, or shall be accessory to a murder before the fact, or to any other felony before the fact, shall, upon conviction, be punished in the same manner and to the same extent as the principal in the first degree.

2 Edmund's Stat., 721, § 6.

Arson.

FIRST DEGREE.—The willful setting fire to, or burning in the night-time, a dwelling-house, in which there is at the time some human being. Every edifice which people usually occupy and lodge in at night, is deemed a dwelling-house.

2 Edmund's Stat., 678, § 9.

Imprisonment in a State prison for life.

Laws, 1873, chap. 644, § 7.

SECOND DEGREE.—The willful setting fire to, or burning in the *day*-time, a dwelling-house, in which there is at the time some human being; or in the *night*-time, an uninhabited dwelling-house, or any building so connected with an inhabited dwelling-house

that the burning of such building would endanger that of such dwelling-house.

2 Edmund's Stat., 686, §§ 1, 2.

Imprisonment in a State prison not less than two nor more than ten years.

Idem, 687, § 9.

THIRD DEGREE.—The willful setting fire to, or burning in the *day*-time, an unoccupied dwelling-house or any building which is so connected to an occupied dwelling-house that its burning would endanger that of the dwelling-house; or in the *night*-time, any church, school-house, or public building, or any barn, or grist-mill, or factory, or fulling mill, or setting fire to a ship or vessel; or burning any property, which at the time is insured, with intent to defraud the insurers thereof.

Idem, 686, §§ 3, 4, 5.

Imprisonment in a State prison not less than one year nor more than five years.

Idem, § 9.

FOURTH DEGREE.—The willful setting fire to, or burning in the *day* time, any dwelling-house, ship or vessel, which, if committed in the night-time, would be arson in the third degree; or any stack of grain or hay, or any growing or standing grain, grass or herbage, or nursery, or orchard of fruit trees, or woods, or any fence, belonging to, or on the lands of, another; or any public bridge.

Idem, 687, §§ 6, 7, 8.

Imprisonment in a State prison not less than one nor

more than four years, or county jail not to exceed one year.

Idem, § 9.

Assault and Battery—Felonious.

1. With a deadly weapon, or fire arm, or air gun, or such means or force as was likely to produce death with intent *to kill*, maim, ravish or rob, or in attempting to commit a burglary, larceny or other felony, or in resisting any legal process.

Imprisonment in a State prison not less than two nor more than ten years.

2 Edmund's Stat., 685, § 36.

2. With a deadly weapon, or fire or air gun, with intent *to injure*, or do bodily harm, or with any sharp, or dangerous weapon, with intent to do bodily harm.

Imprisonment in a State prison not less than one nor more than five years, or in a county jail not to exceed one year.

5 Edmund's Stat., 148.

3. With or without weapon, with intent to rob, maim, ravish, or to commit any other felony, the punishment of which is not hereinabove prescribed.

Imprisonment in a State prison not less than one nor more than five years, or county jail not to exceed one year, or fine not to exceed \$500, or both such fine and imprisonment.

2 Edmund's Stat., 685, § 39.

4. Assault with intent to steal as a pickpocket.
(See Larceny.)

Assault and Battery—Simple.

The touching or commission of any act of violence upon another, in a rude and angry manner.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250.

2 Edmund's Stat., 719, § 40.

Attempts to Commit Crimes.

The attempting to commit any crime, and in such attempt doing any act towards the commission thereof, but failing to perpetrate such crime, or being intercepted in the execution thereof, is an offense and punishable under the statute, as follows :

1. If the crime so attempted be punishable by death or imprisonment in the State prison for life.

Imprisonment in a State prison not to exceed ten years.

2 Edmund's Stat., 721, § 3.

2. If the crime so attempted be punishable in a State prison for a term exceeding four years.

Imprisonment in a State prison for a term not to exceed one-half the longest term prescribed for the crime so attempted.

Idem, §

3. If the crime so attempted be punishable in a State prison for a term less than four years.

Imprisonment in a county jail not to exceed one year.

Idem, §

4. If the crime so attempted be punishable by imprisonment in a county jail or by a fine.

Imprisonment in a county jail not to exceed one-half the longest term prescribed for the offense so attempted ; or by a fine not to exceed one-half the greatest fine prescribed therefor.

Idem, §

Attorneys and Counsellors.

Practising deceit or collusion, or consenting thereto, with intent to deceive the Court or any party to a suit.

Imprisonment in a county jail not to exceed one year, or by a fine not to exceed \$250, or both such fine and imprisonment.

2 Edmund's Stat., 298, § 68.

Bigamy.

Every person having a husband or wife, living at the time, who shall marry another, knowing that such husband or wife is living, shall be guilty of bigamy.

Imprisonment in a State prison from one to five years.

Idem, 709, § 8.

ANY UNMARRIED PERSON who shall marry the husband or wife of another, knowing him or her to be the husband or wife of another, upon conviction, shall be Imprisoned in a State prison not less than one year nor more than five years, or in county jail not more than one year, or a fine not to exceed \$500, or both such fine and imprisonment.

Idem, 710, § 11.

Bribery.

OFFICIALS.—The promising, offering, or giving, or agreeing thereto, or procuring to be promised, offered, or given, or agreed to be given, to an official, anything of value or advantage, with intent thereby to influence the vote or action of such person.

Imprisonment in a State prison not to exceed five years, or fine not to exceed \$5,000, or both such fine and imprisonment.

2 Edmund's Stat., 703, § 9.

ACCEPTING or agreeing to accept, by an official, of anything of value or advantage, under an agreement or understanding that his vote or action is to be influenced thereby.

Imprisonment in a State prison not to exceed five years, or a fine not to exceed \$5,000, or both, and disqualification from holding thereafter any public office or public trust.

Idem, § 10.

JURORS, REFEREES, AND ARBITRATORS.—The promising, offering, or giving, or agreeing thereto, or procuring to be promised, offered, given, or agreed to be given, to any person drawn or summoned as a juror, or chosen or appointed arbitrator or referee, anything of value or advantage, with intent thereby to influence the verdict, judgment, report, or action of such juror, arbitrator, or referee.

Imprisonment in a State prison not to exceed five years, or county jail not to exceed one, or fine not to exceed \$1,000, or both such fine and imprisonment.

Idem, § 12.

ACCEPTING, or agreeing to accept, by any person drawn or summoned as a juror, or by any arbitrator or referee, of anything of value or advantage, under an agreement or understanding that his verdict, judgment, report or action is thereby to be influenced.

Imprisonment in a county jail not to exceed one year, or in a State prison not to exceed five years, or a fine not to exceed \$1,000, or both such fine and imprisonment.

Idem, § 11.

Burglary.

FIRST DEGREE.—The breaking and entering, in the night-time, the dwelling-house of another, in which there is at the time some human being, with intent to commit a crime therein. Any edifice which is usually occupied and lodged in at night, is deemed a dwelling.

2 Edmund's Stat., 688, § 10.

Imprisonment in a State prison not less than five nor more than twenty years.

SECOND DEGREE.—The breaking and entering, in the day-time, an inhabited dwelling-house; or, in the night-time, an uninhabited dwelling-house; or being in an inhabited dwelling-house without having broken therein, and then, in the night-time, breaking any inner door with intent to commit a crime, or breaking out of such dwelling house in the night time after having committed a crime therein.

Imprisonment in a State prison not less than two nor more than ten years.

Idem, §§ 11, 12, 13, 14, 15.

THIRD DEGREE.—The breaking and entering, in the day-time (1) an uninhabited dwelling-house; or (2) being in an inhabited dwelling-house without having broken therein, and then, in the day-time, breaking an inner door thereof, with intent to commit a crime, or breaking thereout in the day-time after having committed a crime therein; or (3) breaking and entering, in the day or night time, any building other than an inhabited dwelling-house, or any ship, vessel, or boat, or place where personal property is, with intent to commit a crime therein.

Imprisonment in a State prison not less than one nor more than five years.

Idem, §§ 17, 18.

Burglars' Tools.

Being found at night armed with any dangerous or offensive weapon, or having in possession any implements of burglary with intent to break or enter any building, room or other place where personal property is, with intent to steal the same.

Imprisonment in a State prison not to exceed five years, if the person so found in possession has been previously convicted of a felony or petit larceny; otherwise in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Laws, 1862, p. 627, § 1.

Carnal Knowledge of Women by Drugs, etc.

Having carnal knowledge of any woman above the age of ten years, without her consent, by administering to her any drug, liquid, or substance, whereby such stupor or imbecility of mind or weakness of body is produced as to prevent effectual resistance on her part.

Imprisonment in a State prison not less than one nor more than five years.

2 Edmund's Stat., 683, § 23.

Champerty.

1. Taking any conveyance of real estate, or of any interest therein, from any person not in possession thereof, while it is the subject of a suit.

2 Edmund's Stat., 713, § 5.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

2. Any attorney and counsellor-at-law, justice of the peace, civil justice, or constable who shall directly or indirectly buy, or be interested in buying, either in his own name or that of another, before or after suit brought, or lend or advance, or procure to be lent or advanced, any money, bond, bill, or thing in action, in consideration of or with intent to bring suit thereon, any claim whatsoever.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment, and removal from office.

Idem, §§ 71, 72, 73.

Counterfeit Money.

Printing or causing to be printed any letter, circular, hand bill, or other publication for distribution or circulation, offering or purporting to offer for sale, exchange, or gift any counterfeit money, or distributing any such letter, circular, or publication with intent to defraud.

Imprisonment in a county jail not less than six months nor more than one year, or fine not less than \$500 nor more than \$1,000, or both.

Law, 1872, ch. 441, § 1.

Concealing Death of Child.

By any woman herself, or by the procurement of others, of any child which would be born a bastard, whether born dead or alive, or whether murdered or not, is a misdemeanor; a second offense is a felony.

Imprisonment in a county jail for a term not to exceed one year.

Compounding Crimes.

The taking of any money, property, gratuity, or reward, by one cognizant of the commission of a crime, upon an agreement, express or implied, to conceal, abstain from prosecuting or giving evidence thereof, is an offense, and punished as follows:

FELONIES.—1. If the crime so compounded be punished by death or imprisonment in a State prison for life.

Imprisonment in a State prison for a term not to exceed five years, or county jail not to exceed one.

2 Edmund's Stat., 711, § 17.

2. If the crime so compounded be punished by imprisonment in a State prison for a term less than life.

Imprisonment in a State prison not to exceed three years, or county jail not to exceed six months.

Idem, § 18.

MISDEMEANORS.—If the crime so compounded be punished by imprisonment in a penitentiary or county jail, or by fine or other penalty or forfeiture.

Imprisonment in a penitentiary or county jail not to exceed one-half the longest term prescribed for such crime, or fine, penalty, or forfeiture not to exceed one-half the largest amount prescribed therefor.

Idem, 714, § 12.

Concealed Weapon.

Knowingly and secretly concealing on one's person, or willfully and furtively possessing any slung-shot, billy, sand-club, metal knuckles, sword-cane, air-gun, dirk or dagger (not contained as the blade of a pocket-knife), with intent to use the same upon any person.

Imprisonment in a State prison or penitentiary not to exceed one year, or fine not to exceed \$500, or both such fine and imprisonment.

Laws, 1862, chap. 716, § 1.

Contempts.

Disorderly, contemptuous, insolent behavior, noise or disturbance committed in the presence of any court, and directly tending to interrupt its proceedings,

or willful disobedience to the order or process of a court, or contumacious and unlawful refusal to be sworn as a witness, or, when so sworn, a like refusal to testify; or willfully publishing any false or grossly inaccurate report of its proceedings.

Imprisonment in a county jail not to exceed thirty days, or fine not to exceed \$250, or both; but no person shall be imprisoned for more than thirty days for not paying such fine.

Caucuses and Primaries.

Willfully influencing, hindering, or deterring by bribery, menace or other corrupt means whatever, the vote or action of any person, delegate or substitute entitled under the call of any political party to vote in any primary, caucus, or convention.

Imprisonment not to exceed one year, or fine not to exceed \$500, or both, in the discretion of the court.

Laws, 1866, chap. 783, § 1.

Conspiracy.

If two or more persons conspire (1) to commit a crime; (2) falsely and maliciously to have another indicted or arrested for, or charge with an offense; (3) to falsely move or maintain a suit; (4) to cheat and defraud another of property, by means in themselves criminal; (5) cheat and defraud another of property, by means of which, if executed, would amount to a cheat, or obtaining money by false pretenses; or (6) do an act injurious to public morals, or to trade, or

commerce, or to pervert or obstruct the administration of justice or law.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Crime against Nature.

Carnal knowledge committed against the order of nature by man with man, or in the same unnatural manner with woman, or by man or woman with a beast.

Imprisonment in a State prison not to exceed ten years.
2 Edmund's Stat., 711, § 20.

Cruelty to Animals.

The willful doing, engaging in, promoting, carrying on, setting on foot, or instigating, or suffering any act of cruelty to be done to any animal, is a misdemeanor. The word animal means "any living creature;" and the word cruelty means "any act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted."

Laws, 1874, 12, §§ 1, 9,

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

2 Edmund's Stat., 719, § 40.

Disguised Persons.

1. Any person who, while having his face painted, discolored, covered, or having his person otherwise

concealed or disguised, shall appear in any public street or place, shall be deemed a vagrant.

Imprisonment in a county jail not to exceed six months.

Laws, 1845, chap. 3, § 1.

2. Any assemblage of three or more persons, disguised as aforesaid, in a public house or other place, is unlawful.

Imprisonment in a county jail not to exceed one year

Idem, § 6.

Disobeying Commands of Officers.

Willfully and unlawfully disobeying the commands of sheriffs or other officers authorized to execute criminal process, for assistance to execute such process, or secure a prisoner.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Disorderly Conduct.

Such conduct as, in the opinion of a magistrate, when proved to him by the oath of a credible witness, tends to a breach of the peace.

(See Nuisance.)

Duelling.

FIGHTING a duel, with a dangerous weapon, although death do not ensue.

Imprisonment in a State prison not to exceed ten years, and disqualification from holding any office, elective or appointive.

Laws, 1817, 5, § 1.

CHALLENGES.—Sending a challenge to fight a duel, or accepting one, or carrying or delivering a challenge, or acting as second or surgeon, or countenancing or assisting to a duel.

Imprisonment in a State prison not to exceed seven years.

LEAVING THE STATE to do acts prohibited by our laws, in relation to duelling, is an offense, and is punished the same as if such acts were done in this State.

POSTING, reproaching or taunting one for not fighting a duel or accepting a challenge.

2 Edmund's Stat., 716, § 20.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

4. Every inhabitant or resident of the State who shall, by previous appointment, go *without* the State to fight a duel, and shall wound his antagonist, or any other person, and the person so wounded shall die *within* this State, and every second engaged in such duel, shall be deemed guilty of murder in the first degree.

Penalty, *death*.

2 R. S., 657, § 6.

Election Law.

1. Willful failure, refusal, or neglect of the Clerk of the Court of Oyer and Terminer or General Sessions to make and file with the Chief of the Bureau of Elections, on or before the 5th of every month, a report of the names of the persons convicted of a felony.

Imprisonment in the county jail not to exceed one year, or fine not to exceed \$250, or both.

Laws, 1872-1597, § 33.

2. False personating an elector or other person, or under a fictitious name, registering or voting, or attempting or offering so to do; registering, voting, or attempting to register or vote, knowingly and fraudulently, in two election districts, or in any election district, without having the right to register or vote therein; or willfully and knowingly, by procuring false registration or vote, for himself or another; or causing, procuring, or attempting to cause or procure the name of a qualified elector to be erased or stricken from any register of votes; or voting or attempting to vote for more than one candidate for same office; or by force or other unlawful means, preventing or attempting to prevent, hinder, or delay a qualified elector from exercising the right of suffrage, or by similar means compelling or inducing an officer of election to admit to register or vote, any person not qualified; or to refuse to allow a qualified person to register or vote; or to hinder or attempt to hinder, or delay, or procure an officer of election to refuse to perform his duty as such.

Imprisonment in a State prison not less than one year, nor more than five years.

Idem, §§ 64, 65.

3. Any poll-clerk or inspector of election, performing the duties of poll-clerk, who shall willfully keep a false poll list, or who shall knowingly insert in his poll list any false statement, name, check, letter, or mark.

Imprisonment in a State prison not less than one or more than five years.

Idem, 1610, § 66.

4. Any inspector of election who shall willfully exclude any vote duly tendered, knowing the person so tendering it is entitled to vote, or shall willfully receive a vote, when the person tendering it has been challenged, without exacting from such person an oath or other proof of his qualification; or shall willfully omit to challenge a person whom he knows or suspects is not entitled to vote.

Imprisonment in a State prison not to exceed ten years.

Idem, 1611, § 67.

5. Any officer authorized to take part in, or perform any duty in relation to any canvass or official statement, at any election, who shall willfully make any false canvass, sign, publish, or deliver any false return or any false certificate or statement of such election, or willfully deface, destroy, or conceal the same, on conviction.

Imprisonment in a State prison not less than two or more than five years.

6. Any person whomsocver, who shall, knowingly and willfully, "stuff" any ballot box, used at any election, or any inspector who shall allow the same to be done.

Imprisonment in a State prison not less than one or more than five years.

7. Any officer of election who shall be guilty of any willful neglect of duty not herein before specified.

Imprisonment in a State prison not less than one year.

8. Any officer of election who shall willfully steal, destroy, mutilate, remove from proper custody, secrete, alter or erase, or permit another so to do, any official paper or record of any election.

Imprisonment in a State prison not to exceed five years.

9. Any person not an officer of election who shall do any of the things mentioned in subdivision eight.

Imprisonment in a State prison not to exceed five years.

10. False swearing under this act.

Imprisonment in a State prison not to exceed ten years.

11. Any person who shall fraudulently change or substitute any ballot, or do any act tending to defraud an elector of his vote.

If the person is an officer of election imprisonment in a State prison not less than two or more than five years.

If not an officer of election imprisonment in a State prison not less than one or more than five years.

Laws, 1872, 1613, § 75.

Any person who has been properly convicted of a felony who shall vote, or offer to, unless he has been pardoned.

Imprisonment in a State prison not less than one or more than three years.

Idem, § 76.

12. Disobeying the lawful command of an officer of election given in the exercise of his duties.

Imprisonment in a penitentiary not less than three months or more than one year, or fine not to exceed \$250, or both such fine and imprisonment.

Idem, § 77.

Embezzlement.

1. The converting, making way with, secreting, withholding, or otherwise making use of any draft, note, check, ticket, or other property whatever, belonging to any person, company, or association, by any clerk, servant, officer, agent, director, trustee, or manager thereof (not being an apprentice or person within the age of eighteen years), with intent to convert such property; or
2. Buying or receiving any such property known it to have been embezzled.

If the value of the property exceeds \$25, imprisonment in a State prison not to exceed five years; if \$25 or less in value, imprisonment in a county jail not to exceed six months, or fine not to exceed \$100, or both such fine and imprisonment.

Laws, 1874, 228, § 1.

Escapes.

FROM STATE PRISON.—The escaping or attempting to escape from a State prison by force and violence, by one confined therein, for any term less than life.

Imprisonment in a State prison not to exceed five years, and to commence from and after the expiration of original term.

2 Edmund's Stat., 705, § 11.



FROM COUNTY JAIL.—The escaping or attempting to escape, by one confined in a county jail after conviction, by breaking such jail.

Imprisonment in a State prison not to exceed two years, or in a county jail not to exceed one year.

Any prisoner confined in a State prison, who shall aid or assist a fellow prisoner in escaping, or attempting to escape therefrom.

AIDING FELONS to escape by conveying into any State prison, jail, or other place of confinement, any disguise, instrument, or thing, proper or useful to aid to escape, any prisoner there confined, after a conviction for a felony, or upon a charge of a felony; or giving aid to such prisoner in any manner or by any means, is a felony, whether such escape be attempted or effected.

Imprisonment in a State prison not to exceed ten years.

Idem, § 13.

AIDING PRISONERS, NOT FELONS, to escape from any jail, or place, where such persons are confined or detained, by any means whatever, whether such escape be effected or not.

Imprisonment in a county jail not to exceed one year, or a fine not to exceed \$500, or both such fine and imprisonment.

Idem, § 15.

AIDING TO ESCAPE FROM OFFICER a prisoner who is lawfully in the custody of such officer.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Idem, § 17.

OFFICERS CONNIVING at the escape of a prisoner in their custody upon a civil process, or criminal charge, or on conviction, or receiving any gratuity or reward therefor, or aiding or assisting such prisoner to escape, whether such escape be effected or not.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$1,000, or both such fine and imprisonment.

Idem, § 18.

Extortion.

The taking or receiving by any officer to whom any fee is allowed by law, a greater or other fee for a service than is allowed by law; or demanding or receiving by an officer a fee for any service unless such service has been actually rendered, except where such officer is entitled by law to require prepayment of his fees.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Excise Law.

THE SELLING of strong or spirituous liquors, wines, ales, or beer in quantities less than five gallons, without having a license therefor.

1. Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

2. **THE SELLING OR GIVING** away of liquors, wine, ale, or beer to any minor or person within the age of eighteen years without the consent of his parent or guardian ; or to an Indian, or on Sunday or between the hours of one and five in the morning, or selling or exposing the same for sale on an election day within one-fourth of a mile of any polling place.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

False Firm Names.

The words "and company," or "& Co.," must represent some partner or person actually engaged in business with another, and persons transacting business in the names of a partner not interested therein.

Fine not to exceed \$1,000.

4 Edmund's Stat., 449.

False Imprisonment by Officers.

Any sheriff or other officers, or person pretending to be an officer who shall, under pretence or color of process, or legal authority arrest or detain another, or seize, levy, or detain any property, or dispossess one thereof.

Imprisonment in a county jail not to exceed six months, or fine not to exceed \$150, or both such fine and imprisonment.

2 Edmund's Stat., 714, §§ 11, 15.

False Personation.

Falsely personating or representing another, and in such character (1) marrying another; (2) becoming bail or surety in a civil or criminal proceeding; (3) confessing a judgment; (4) acknowledging the execution of any conveyance or instrument of record; or (5) doing any act whereby a party to a suit is damaged pecuniarily or otherwise.

Imprisonment in a State prison not to exceed ten years.

2 Edmund's Stat., 696, § 48.

PRETENDED HEIR.—False production of an infant, and pretending it to be entitled as heir or otherwise to any real or personal estate.

Imprisonment in a State prison not to exceed ten years.

Idem, § 51.

SUBSTITUTING CHILD.—Any person to whom an infant under the age of six years has been confided for any purpose, who shall, with intent to deceive its parent or guardian, substitute or produce to such parent or guardian another child.

Imprisonment in a State prison not to exceed seven years.

Idem, § 52.

POLICE OFFICERS.—False personation of, by wearing any badge or other emblem of a police officer, with intent to defraud another.

Imprisonment not to exceed six months, or fine not to exceed \$250.

Laws, 1874, chap. 340, § 1.

False Pretenses and Tokens.

The obtaining, with intent to cheat or defraud another, his signature to any paper, or any money, property, or thing of value, by color of false tokens, writings, or other false pretenses.

Imprisonment in a State prison not to exceed seven years, if such false token or pretense be any negotiable note, or evidence of debt purporting to have been issued by any banking company or moneyed corporation; but if any other token or pretense, imprisonment in a State prison not to exceed three years, or in a county jail not to exceed one year, or fine not to exceed three times the value of the property obtained, or both such fine and imprisonment.

2 Edmund's Stat., 696, § 53.

Forgery.

FIRST DEGREE.—The forging, counterfeiting, or falsely altering:

- (1). Any instrument or signature thereto, or other part thereof, purporting to be the act of another, whereby any interest or right in real estate is transferred, conveyed, charged, or effected; or
- (2). Any bond, security, certificate, or other evidence of debt purporting to have been issued by any public officer, or under the authority of the State, or of any indorsement thereon, or other instrument for the transfer thereof, with intent to defraud the

people of the State, or a public officer or other person.

Imprisonment in a State prison not less than five nor more than twenty years.

2 Edmund's Stat., 690, §§ 22, 23, 42.

SECOND DEGREE.—The forgery or counterfeiting:

- (1). The seal of this State or of any county, or of any court of record, public officer or incorporated body; or
- (2). Falsifying, destroying, or falsely altering the record of any will, conveyance, or other instrument, the record of which shall be, by law, evidence; or the records of a court of record, or the return of an officer to any process; or
- (3). Counterfeiting any coin or bank bill, or having in possession any impression thereof, or any plate for taking any impression thereof; or selling or delivering for consideration any such impression; or
- (4). Willfully and falsely making a certificate or acknowledgment of a conveyance of real estate by an officer competent to make the same.

Imprisonment in a State prison not less than two nor more than ten years.

Idem, §§ 24, 25, 26, 27, 28, 30, 31, 32–42.

THIRD DEGREE.—The forging, falsely altering, or counterfeiting:

- (1). Any process of a court, magistrate or officer; or

(2.) Any instrument purporting to be the act of another by which a pecuniary demand or obligation is created, increased, discharged, or diminished ; or

(3.) Any books of accounts of a public officer or moneyed corporation, or making false entries therein, with intent to defraud or deceive.

Imprisonment in a State prison not to exceed five years.

Idem, §§ 33, 34, 35, 42.

FOURTH DEGREE.—The having in possession :

(1.) Any forged instrument, gold or silver, or other coin, knowing the same to be forged, with intent to injure and defraud another by uttering the same.

Imprisonment in a State prison not to exceed two years, or county jail not to exceed one.

Felony.

The term felony is used to designate any offense for which the offender *may* be liable to be punished by death or imprisonment in a State prison.

2 Edmund's Stat., 725, § 30.

No person *sentenced* upon conviction of a felony is a competent witness in any civil or criminal proceeding, unless pardoned by the Governor or Legislature, and a pardon does not restore such rights to one convicted of perjury.

Idem, § 23.

A sentence to imprisonment in a State prison suspends all civil rights, and forfeits, during such imprisonment, all public offices and private trusts of such person.

Idem, § 19.

Gambling.

Keeping or renting a place for gambling or knowingly permitting the same to be used or occupied for such purpose.

Fine not less than \$50 nor more than \$500.

Laws, 1851, chap. 504, § 1.

Keeping or exhibiting any table or implements for gambling or acting as "dealers," "look out," or "game-keeper," at faro or other banking game where money or other property is dependent on the result thereof.

Imprisonment in a county jail not less than ten days or in a State prison not more than two years, or fine not exceeding \$1,000, or both such fine and imprisonment.

Idem, § 2.

Persuading another, through invitation or device, to visit any room or place kept for the purpose of gambling, and party so persuaded lose by gambling.

Imprisonment in a county jail not less than ten days or in a State prison not more than two years, or fine not to exceed \$1,000, or both such fine and imprisonment.

Idem, §

Any commander, owner, or lessee of a boat or float who permits gambling to be done thereon.

Fine not more than \$500.

Idem, §

Winning or losing at play or by betting the sum or value of \$25, or upwards, within the space of twenty-four hours.

Fine not less than five times the amount so won or lost.

5. Any sheriff, police officer, constable, or district attorney who has credible grounds for knowing that any person is guilty of violating the gambling law and fails to inform against or prosecute such person.

Fine not less than five hundred dollars.

Gas-meter, Pipes, etc.

Willfully injuring, altering, obstructing, or in any way preventing the action of a gas-meter, or connecting a tube or other contrivance to a gas pipe in such a manner as to consume gas without passing through a meter, with intent to defraud any gas company or individual.

Imprisonment in a county jail not to exceed six months and fine not to exceed \$250.

Homicide.

THE KILLING of a human being in any manner, or by any means, is either justifiable or excusable homicide, or murder or manslaughter, according to the facts and circumstances in each case.

2 Edmund's Stat., 677, §

JUSTIFIABLE HOMICIDE.—Such killing is justifiable homicide when committed (1) by a public officer, or by those acting by their commands in their aid and assistance, in obedience to any judgment of a competent court; (2) when necessarily committed in overcoming actual resistance to the execution of any process of court, or in discharge of any other legal duty; or (3) in retaking felons who have escaped, been rescued, or are fleeing from justice; or (4) by any person when resisting an attempt to murder such person or to commit any felony upon such person, or in a dwelling-house in which such person may be, or in the defense of such person, or his or her husband, wife, parent, child, master, mistress, or servant, when such person has *reasonable ground to apprehend* that a felony or some great personal injury is to be committed, and there is imminent danger of such design being accomplished; or (5) when necessarily committed in attempting by lawful ways and means to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

EXCUSABLE HOMICIDE.—Such killing is excusable homicide when committed by accident and misfortune; (1) in lawfully correcting a child or servant, or in doing any other lawful act by lawful means, without any unlawful intent, and with usual and ordinary caution; or (2) in the heat of passion upon any sudden and sufficient provocation, or upon a sudden combat without undue advantage being taken, and without any dangerous weapon being used, and not done in a cruel or unusual manner.

Murder.

FIRST DEGREE.—Such killing is murder in the first degree when perpetrated :

- (1.) From a deliberate and premeditated design to effect the death of the person killed, or of any human being.
- (2.) By an act imminently dangerous to others, and evincing a depraved mind, regardless of human life, although without any premeditated design to effect the death of any particular individual.
- (3.) Without any design to effect death, by a person engaged in the commission of a felony.

Penalty—Death.

Laws, 1873, chap. 644, § 1.

SECOND DEGREE.—Such killing is murder in the second degree when perpetrated intentionally, but without deliberation and premeditation ; or in such a manner as not to constitute murder in the first degree or excusable or justifiable homicide.

Imprisonment in a State prison for life.

Idem,

Manslaughter.

FIRST DEGREE.—The killing of a human being without a design to effect death.

- (1.) By misadventure, accident, or negligence of another while such other is engaged in the commission of a misdemeanor or crime, not a felony, or in an attempt to perpetrate any such crime or misdemeanor.

(2.) Willfully killing an unborn *quick* child, by an injury to its mother, which would be murder, if the death of the mother resulted from such injury.

(3.) Deliberately assisting another in the commission of suicide.

Imprisonment in a State prison not less than seven years.

SECOND DEGREE—(1.) The killing of a human being in the heat of passion, without a design to effect death, but in a cruel and unusual manner.

2 Edmond's Stat., 679, § 7.

(2.) Unnecessarily killing another, while resisting the attempt of such other to commit a felony, or do any other unlawful act, or after such attempt shall have failed.

Imprisonment in a State prison not less than four or more than seven years.

Idem, § 10.

(3.) The killing of a child of which a woman is pregnant, or of the woman herself, while performing or attempting, unlawfully, to perform an abortion upon such woman.

Imprisonment in a State prison not less than four nor more than twenty years.

Laws, 1872, 509, § 1.

THIRD DEGREE—(1.) The killing of another, in the heat of passion, with a dangerous weapon, without a design to effect death.

- (2.) The killing of another by accident, misadventure, or negligence, while doing an injury to such other, not amounting to a crime.
- (3.) If the owner of a mischievous animal, whose propensities are known, allow it to go or be at large, and, while so at large, it kills a human being, who shall have taken such precautions as were in his power to avoid such animal.
- (4.) Willfully overloading any boat, ship, or vessel, whereby it is sunk or upset, and any human being killed or drowned, is manslaughter in the person by whose order or direction it was so overloaded.
- (5.) Bursting any boiler of any boat, vessel, or ship, from ignorance, gross neglect, or while racing, and killing thereby any human being, is manslaughter in the navigator of such boat, and the engineer or person who has charge of the boiler.
- (6.) Killing of another, without a design to effect death, by a physician while in a state of intoxication, and while attending professionally on such person.
- (7.) Killing of another by the explosion of saltpetre or gunpowder, which has been stored by any person in the city of New York contrary to law.

Imprisonment in a State prison not less than two nor more than four years.

Laws, 1865, 347.

FOURTH DEGREE—(1.) The involuntary killing of another in the heat of passion, but not with a dangerous weapon, nor by means either cruel or unusual.

(2.) Killing of another in any manner, which would not constitute justifiable or excusable homicide or murder, or manslaughter in the first, second, or third degrees.

Imprisonment in State prison not to exceed two years, or penitentiary not to exceed one year, or fine not to exceed \$1,000, or both such fine and imprisonment.

Indictment.

THE DISCLOSING, by any grand juror, constable, district attorney, clerk, or judge of any court, of the finding of an indictment against a person for a felony until such person is arrested or in custody.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

WHEN TO BE FOUND.—Indictments for murder may be found at any time after the killing; in all other cases they must be found and filed with the court within five years after the commission of the offense; but the time which an offender shall not be an inhabitant of, or resident within the State, shall constitute no part of said limitation of five years.

Laws, 1873, chap. 630, § 2.

Incest.

Voluntarily having carnal knowledge, by and between persons who sustain to each other the relationship of parent and child, grand parent and grand child of every degree, or brother and sister of the half

as well as the whole blood. This extends to legitimate as well as illegitimate relatives.

Imprisonment in a State prison not to exceed ten years.

2 Edmund's Stat., 710, § 12.

Inn Keepers, Frauds Upon.

Procuring food or accommodation at any inn, hotel, or licensed boarding-house with intent to defraud the keeper thereof of its value or price; or using any false pretense or device, or by depositing thereat baggage or property of less value than any bill or credit thereby incurred; or absconding or surreptitiously removing such baggage or property therefrom.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

1 Laws, 1867, chap. 677.

Jurors.

MISCONDUCT OF.—Receiving any paper, evidence, or information, from anyone, in relation to any matter or cause for the trial of which one has been sworn as a juror, without the authority of the Court, or officer before whom such jurors are summoned, without immediately disclosing the same to such court or officer.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

2 Edmund's Stat., 715, § 17.

DRAWING OF.—Designedly putting on a list of jurors, for any court, persons not drawn as such, or omitting to put thereon persons drawn.

Imprisonment in a State prison not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Idem, § 18.

Jails and Prisons.

SELLING OR BRINGING into any jail or other prison any spirituous, fermented, or other liquors, without a written permit signed by the physician thereof; or permitting it to be done by any sheriff, warden, or keeper.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both.

2 Edmund's Stat., 819, §§ 52, 53, 54.

Kidnapping.

Forceibly seizing, confining, inveigling or kidnapping another without lawful authority and against one's will with intent to confine such person; or send him out of the State or hold him to service.

Imprisonment in a State prison not to exceed ten years.

2 Edmund's Stat., 684, § 28.

Larceny.

GRAND LARCENY is the felonious stealing, taking and carrying away the personal property of another of the value of over \$25.

Imprisonment in a State prison not to exceed five years.

2 Edmund's Stat., 699, § 63.

PETIT LARCENY is the like larceny of property of the value of \$25, or under.

Imprisonment in a county jail not to exceed six months, or fine not to exceed \$100, or both such fine and imprisonment.

Idem, 712, § 1.

IN A DWELLING-HOUSE.—If such larceny be committed in a dwelling-house, or in any ship or vessel.

Imprisonment for three years in addition to that which might be imposed were such larceny committed elsewhere.

Idem, 699, § 64.

FROM THE PERSON.—If such larceny be from the person of another, no matter what the value.

Imprisonment in a State prison not to exceed five years.

If grand larceny from the person, and committed in the *night*-time, imprisonment in a State prison not to exceed ten years.

PUBLIC DOCUMENTS.—If property so stolen be a public record, document or other public paper in the custody of an officer whose duty it is to preserve the same, no matter what its pecuniary value.

Imprisonment in a State prison not to exceed five years, or in a county jail not to exceed one, or fine not to exceed \$500, or both such fine and imprisonment.

Idem, 700, § 69.

BRINGING INTO THIS STATE or having therein property which was stolen in another State knowing that it was so stolen.

FALSE PERSONATION.—Falsely personating or representing another and in such character obtaining property of [another is larceny, and punished according to the value of the property so obtained.

Idem, 696, § 50.

ASSAULT WITH INTENT TO STEAL.—Laying hands upon another, or on the clothing upon the person of another, with intent to steal, as a pickpocket, and failing to obtain any property, because there was none to be stolen.

Imprisonment in a county jail not to exceed one year, or a fine not to exceed \$250, or both such fine and imprisonment.

Laws, 1860, 1016, § 34.

LOANED PROPERTY.—Pawning, loaning, selling, or delivering to another without the consent of the owner, any personal property, which shall have been let or loaned to one by its owner.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Laws, 1868, chap. 280, § 1.

Lotteries.

PRINTING AND PUBLISHING any account of a lottery, stating when or where the same is to be drawn, or of the prizes therein or any of them, or the price of a

ticket or where such ticket may be obtained, or in any way aiding or assisting the same.

Imprisonment not to exceed three months, or fine not to exceed \$150.

SELLING OR PROCURING, or offering to sell or procure any lottery ticket or paper purporting to be a lottery ticket, or endorsing any book or other document for the purpose of enabling others to sell any lottery ticket.

Imprisonment not to exceed one year, or fine not to exceed \$500, or both such fine and imprisonment.

OFFERING FOR SALE any property dependent on the drawing of a lottery.

Imprisonment not to exceed one year, or fine not to exceed \$500, or both such fine and imprisonment.

Libel.

Any slander, either expressed in printing, writing, signs or pictures, tending either to blacken the memory of one who is dead or the reputation of one who is living, and to expose him to disgrace or contempt.

Imprisonment in county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Letters.

WILLFULLY OPENING, reading, or causing to be opened or read, any sealed letter not addressed to one's self, or maliciously publishing the whole or any part of the

contents thereof, without the authority of the writer or that of the person to whom such letter is addressed, is a misdemeanor. But this provision does not extend to the opening of letters which shall be punished by the laws of the United States.

2 Edmund's Stat., 717, §§ 27, 28, 29.

Imprisonment in a county jail not less than three months nor more than one year, or fine not less than \$300 nor more than \$1,000, or both such fine and imprisonment.

Laws, 1867, chap. 871.

Malicious Mischief.

REMOVING OF A DEAD BODY from a grave or other place of interment for the purpose of sale or dissection, or for mere wantonness, or purchasing or receiving same, knowing it to have been disinterred contrary to law.

Imprisonment in a State prison not to exceed five years, or county jail not to exceed one year, or fine not to exceed \$500, or both such fine and imprisonment.

2 Edmund's Stat., 710, §§ 13, 14.

OPENING A GRAVE or place of interment with intent to remove a dead body for the purpose of sale or dissection, or of stealing the coffin or articles interred therewith.

Imprisonment in a State prison not to exceed two years, or in a county jail not to exceed six months, or fine not to exceed \$250, or both such fine and imprisonment.

Idem, § 15.

POISONS.—Willfully administering or maliciously exposing any poisonous substance, with intent that the same be taken by any horse, cattle, or sheep.

Imprisonment in a State prison not to exceed three years, or in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Idem, § 16.

SHADE TREES, ETC.—Willfully cutting down, destroying or otherwise injuring any fruit or ornamental tree on the lands of another, or any public place, or street, or digging and carrying away earth from any lot within the city limits without the consent of the owner, or

BUILDING, FENCES, ETC.—Willfully or maliciously destroying, injuring or defacing any monument or work of art, building, fence or other structures, or painting or printing upon any stone, rock, bridge or tree, any advertisement, or causing the same to be done.

Imprisonment not to exceed six months, or fine not to exceed \$250.

Boats, Destruction of, etc.

WILLFULLY AND CORRUPTLY BURNING, casting away, sinking, scuttling or otherwise destroying any vessel, boat or craft proper for navigation, by the owner thereof or any other person, with intent to defraud the owner thereof, or any property shipped or laden thereon.

Imprisonment in a State prison not less than two years.

Laws, 1870, chap. 299, § 1.

OVERLOADING any boat or vessel, so that it is sunk or upset thereby, and the life or a human being endangered.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

2 Edmund's Stat., 715, § 24.

EXCESS OF STEAM, allowed to be generated in the boiler of any boat or vessel, by the captain or engineer, or other person having charge thereof, either from ignorance or gross neglect or for the purpose of racing, and by that means such boiler, boat or vessel is injured and the life of a human being thereby endangered.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Idem, § 25.

Marriages.

Every minister or magistrate who shall solemnize any marriage knowing that either of the parties thereto is a lunatic or idiot, or within the age of legal consent.

Fine and imprisonment in the discretion of the Court.

Mayhem.

Every person who, from a premeditated design, evinced by lying in wait for that purpose, or evinced in any other manner; or with intent to kill or commit a felony, shall (1) cut out or disable the tongue, (2)

put out the eye, (3) slit the lip, or slit or destroy the nose, or (4) cut off or disable any limb or member, on purpose, is guilty of mayhem.

Imprisonment in a State prison not less than seven years.

2 Edmund's Stat., 683, § 27.

Misdemeanor.

Any offense not declared to be a felony of which the offender, upon conviction, *may not* be punished by imprisonment in a State prison. Any act which is prohibited by statute, and no penalty for the violation thereof imposed by such statute, shall be punished as a misdemeanor.

2 Edmund's Stat., 715, § 39.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Idem, § 40.

Milk—Adulteration of.

Adulterating milk for the purpose of sale or exchange in market, or keeping cows in a crowded or unhealthy place, or giving them food which produces impure and unwholesome milk, or selling or exposing for sale any impure, unwholesome, or adulterated milk.

Fine not to exceed \$50.

Laws 1862, chap. 467.

Laws 1864, chap. 544.

Mortgaged Property.

Selling, assigning, exchanging, secreting, or otherwise disposing of personal property by the mortgagor thereof, with intent to defraud the mortgagee or purchaser thereof.

Imprisonment in a county jail not to exceed one year, or fine not to exceed three times the value of the property, or both such fine and imprisonment.

Laws, 1871, 168, § 1.

Nuisance.

A PUBLIC NUISANCE is anything that works hurt, inconvenience, or damage to the public.

A BAWDY-HOUSE is a house of ill-fame kept for the resort of prostitutes or lewd people of both sexes. The keeping, maintaining, or renting a house to be so kept.

Imprisonment not to exceed one year, or fine not to exceed \$250.

DISORDERLY HOUSE is one kept as the resort of thieves, prostitutes, or persons of scandalous reputation, and so conducted as to disturb and disquiet the neighborhood in which it is located.

Imprisonment not to exceed one year, or fine not to exceed \$250.

Infected Persons.

Exposing, with full knowledge of the fact, a person infected with a contagious disorder, and liable to communicate it to the public.

Imprisonment not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Offensive Trades, etc.

Carrying on any trade which is unwholesome and injurious to health, and which corrupts and infects the air—a brewery, glass manufactory, slaughter-houses, etc.

Imprisonment not to exceed one year, or fine not to exceed \$250, or both.

Selling Unwholesome Food.

Selling any unwholesome food or provisions not fit for man to eat.

Imprisonment not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Combustible and Explosive Materials.

Carelessly depositing and keeping in an exposed place any saltpetre, gunpowder, or other explosive substances.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Obstructing Streets.

The unauthorized and continuous obstruction of any public street, or highway.

14 N. Y., 506 ; 24 N. Y., 658.

Imprisonment in a county jail not to exceed one year, or fine not to exceed two hundred and fifty dollars, or both such fine and imprisonment.

Indecent Exposure of Person.

The wanton, intentional and indecent exposure of one's naked person at such a time and place as to be offensive to public decency.

5 Barb., 206.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Keeping Dangerous Animals.

Willfully keeping, or allowing to be at large by its owner, any animal which attacks people, knowing its propensities.

13 Johns., 312.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Prostitutes.

Common prostitutes or night-walkers, frequenting public thoroughfares, or soliciting for the purpose of prostitution, to the annoyance of the passers-by.

Imprisonment not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Laws, 1860, chap. 508.

Threatening or Abusive Language.

Using threatening, abusive, or insulting language, or insulting behavior, with intent to provoke a breach

of the peace, or whereby a breach of the peace may be occasioned.

Imprisonment not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Abandonment of Family.

Abandoning or neglecting to provide for one's family or children, or leaving them without adequate support, so that they are likely to become a burden to the public.

Imprisonment not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Religious Meetings.

Willfully disturbing, interrupting, or disquieting an assemblage of people met for religious worship, by profane discourses, rude and indecent behavior, or noise.

Punishment—Fine not to exceed \$25 for each offense.

2 R. S., 675, § 58.

Sunday.

Shooting, hunting, fishing, sporting, playing, gaming, horse-racing, frequenting tippling houses, or any such like exercises or pastimes, on Sunday.

Punishment—Fine of \$1 for each offense.

Idem, § 66.

Health.

Putting or leaving in the highway, or route used for public travel, either on the land or water, any dead animal, or noisome or unwholesome substance, or carrying on, establishing, or maintaining any trade or manufacture which is noisome or detrimental to public health.

Imprisonment not less than three months nor more than one year; fine not less than \$100 nor more than \$1,000.

Laws, 1870, chap. 525, § 1.

Official Misconduct.

Unlawfully granting or permitting, for any gratuity, reward, or consideration whatever, by a person holding an office under the laws or Constitution of this State, to any person whomsoever, the right, privilege, or authority to discharge any of the duties of such office, either by permitting another to make appointments or discharge any of the prerogatives of such office.

2 Edmund's Stat., 718, § 35.

Imprisonment in a county jail not less than six months nor more than two years, and fine not less than \$200 or more than \$1,000.

Idem, § 36.

Receiving, accepting, or agreeing to receive or accept any reward or gratuity for the purpose of procuring one an appointment to an office or clerkship or subordinate position thereunder.

Imprisonment in a county jail not less than six months or more than two years, and a fine not less than \$200 nor more than \$1,000.

Idem, § 36.

Where any duty is enjoined by law upon a public officer, or person holding a public trust or employment, every willful neglect to perform such duty, where no special punishment is provided therefor.

Idem, § 39.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both.

Idem, § 40.

Obscene Literature.

The selling, lending, giving away, or exhibiting in any manner, or offering to sell, lend, give away, or in any manner exhibit, or have in possession for such purpose, any obscene book, pamphlet, paper, writing, advertisement circular, print, picture, drawing, or other representation, figure or image, or any cast, instrument or other articles of an indecent or immoral nature, or any drug, medicine, or thing for the prevention of conception.

Laws of 1873, chap. 777, § 1.

Inprisonment in a State prison not less than three months nor more than two years, or fine not less than \$100 nor more than \$5,000, if the person convicted be of the age of twenty-one or over; if under the age of twenty-one years, imprisonment not to exceed three months, or fine not to exceed \$500.

Idem.

Passenger Tickets—Sale of.

No person other than the lawfully-appointed agent or employce of any railroad, steamboat or steamship company, shall sell, or offer for sale within this State, any ticket or tickets issued by or purporting to be issued by such company.

Laws, 1857, ch. 470.

Imprisonment not less than three months, or fine not less than \$1,000, or both such fine and imprisonment.

Idem.

Perjury.

Willfully and corruptly swearing, testifying, or affirming falsely to any material matter, upon any oath, affirmation, or declaration legally administered.

(1) In any matter, cause, or proceeding, depending in any court or before any officer thereof ; or

(2) In any case where an oath or affirmation is required by law, or is necessary for the prosecution or defense of any private right or the ends of public justice ; or

(3) In any matter or proceeding before any person or officer having sufficient and competent power to administer an oath, or where any oath may be lawfully required. Persons convicted of perjury shall not be a competent witness in any matter or cause whatever, until the judgment against them be reversed.

2 Edmund's Stat., 701, § 1.

If such perjury be committed on the trial of an indictment for a felony, imprisonment in a State prison not less than five nor more than twenty years.

If committed in any other case, a like imprisonment not to exceed ten years.

Subornation of Perjury.

Unlawfully and corruptly procuring a person, by any means whatsoever, to commit perjury.

Punishment the same as that prescribed for the punishment of the perjury so unlawfully procured.

Idem, §§ 3, 4.

Physicians.

1. Causing death while administering medicines when intoxicated.

(See Manslaughter—Third degree.)

2. Practising medicine without a license therefor.

Imprisonment not less than one nor more than twelve months, or fine not less than \$100, or more than \$1,000, or both.

Laws, 1853, chap. 184, § 5.

Poisons.

INTOXICATED PERSONS.—The prescribing any poison, drug, or medicine, to another person, by a physician or other person while intoxicated, and endangering the life of such other thereby.

Edmund's Stat., 716, § 22.

Imprisonment in a county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Idem, 719, § 40.

LABELING.—The selling and delivery by any apothecary, druggist, or other person of any poison, without having word “poison” written or printed upon a label and attached to the parcel containing it.

Fine not to exceed one hundred dollars.

Idem, 717, § 23.

RECORDING SALE OF.—The selling or giving away of any poison or poisonous substance by a druggist, or other person without recording in a book to be kept for that purpose the name and residence of the person to whom it is sold or delivered, except on the written order or prescription of a physician.

Punishment, fine not to exceed \$50.

ADMINISTERING, or causing to be administered, to any person, any poison, with intent to kill such person and death not ensuing therefrom.

Imprisonment in a State prison not less than five nor more than twenty years.

4. Mingling poison with food, drink, or medicine, with intent to kill or injure a person; or willfully poisoning any spring, well, or reservoir of water.

Imprisonment in a State prison not less than two nor more than ten years, or in a county jail not exceeding one year, or fine not exceeding \$500, or both such fine and imprisonment.

5. Willfully administering poison to cattle, horses, or sheep, or maliciously exposing poison with intent to have it taken by any cattle, horses, or sheep.

Imprisonment in a State prison not to exceed three years, or in a county jail not to exceed one year, or a fine not to exceed \$250, or both such fine and imprisonment.

Prize Fighting.

Engaging in any prize fight, or sending or writing a challenge therefor, or instigating, or doing any act in furtherance of a prize fight, or going out of this State for such purpose.

Imprisonment not less than six months nor more than one year, and fine not to exceed \$1,000, or both such fine and imprisonment.

Laws, 1859, 63, § 1.

Railways, Injury to.

Willfully doing, or causing to be done, any act whereby any property of a railway is injured or damaged.

Imprisonment in county jail not to exceed one year, or fine not to exceed \$250, or both such fine and imprisonment.

Rape.

1. Carnally and unlawfully knowing any female child under the age of ten years, either with or without the consent of such child.

Imprisonment in a State prison not less than five nor more than twenty years.

2 Edmund's Stat., 683, § 22

2. Forcibly ravishing any woman of the age of ten years and upwards.

Imprisonment in a State prison not less than five nor more than twenty years.

Idem, § 22.

Receiving Stolen Goods.

Buying or receiving in any manner, upon any consideration, stolen property, knowing it to have been stolen.

Imprisonment in a State prison not to exceed five years, or in a county jail not to exceed six months, or fine not to exceed \$200, or both such fine and imprisonment.

2 Edmund's Stat., 700, § 91.

Riot.

The assembling together of not less than three persons, by their own authority, with intent mutually to assist each other, against all opposition, in the execution of some enterprise, and afterward actually accomplishing the same in a manner, to the terror of the people, whether the act intended be lawful or unlawful.

1 Russ. on Cr., 266.

Imprisonment not to exceed one year, or fine not to exceed \$250, or both.

2 Edmund's Stat., 719, § 40.

Rout.

Is the assembling together of people to do a thing, which, if executed, would amount to a riot.

1 Russ. on Cr., 272.

Robbery.

FIRST DEGREE.—The felonious taking the personal property of another from his person, or in his presence, against his will, and by force and violence to his person, or by putting such person in fear of some *immediate* injury to his person.

Imprisonment in a State prison not less than five nor more than twenty years.

2 Edmund's Stat., 297, §§ 55, 57. *Last Ed Law 1865 Chap 212*

SECOND DEGREE.—The felonious taking the personal property of another from his person, or in his presence, and which such person shall have delivered, or suffered to be taken from his person through fear of some *remote* injury to his person or property, or to any relative or member of his family, threatened to be inflicted at some different time.

Imprisonment in a State prison not to exceed ten years.

Idem, 698, §§ 56, 57.

THREATENING LETTERS.—The sending or delivering any letter, signed, unsigned, or signed with a fictitious name, or with any letter or mark, threatening therein to accuse another of crime, or to do an injury to his person or property, with intent thereby to extort or gain money or property, is an attempt at robbery.

Imprisonment in a State prison not to exceed five years.

Idem, 698, § 58.

Sailor Boarding Houses.

KEEPING, CONDUCTING, or carrying on, as owner, proprietor, agent, or otherwise, any sailor boarding-house or

sailors' hotel in the cities of New York or Brooklyn, without having a license therefor.

Imprisonment in a county jail not less than thirty days nor more than one year, and fine not less than \$100 nor more than \$250, or both such fine and imprisonment.

Laws, 1866, chap. 184, § 84.

ACTING AS AGENT, runner, or employec of a sailor boarding house to invite, solicit or ask patronage therefor without having a license.

Imprisonment not less than thirty days nor more than one year, and fine not less than \$100 nor more than \$250, or both such fine and imprisonment.

Idem, § 5.

Seduction under Promise of Marriage.

Any man who shall, under promise of marriage, seduce and have illicit connection with any unmarried woman of previous chaste character.

Imprisonment in a State prison not less than one nor more than five years, or in a county jail not to exceed one year.

Laws, 1848, chap. 111.

Second Offenses.

FIRST.—Any person who shall, subsequent to his discharge or release from a State prison, be convicted of any offense, shall be punished as follows:

1. If the second offense shall be punished by imprison-

ment in a State prison for a term exceeding five years.

Imprisonment in a State prison five to twenty years.

2 Edmund's Stat., 722, § 8.

2. If for a term not exceeding five years.

Imprisonment in a State prison not to exceed ten years.

Idem.

3. If for petit larceny.

Imprisonment in a State prison not to exceed five years.

SECOND.—Any person who shall, subsequent to his release or discharge from imprisonment on conviction of petit larceny, or of an attempt to commit any offense which, if perpetrated, would have been punishable by imprisonment in a State prison, commit any other offense, shall be punished as follows:

1. If the second offense be such that, upon a first conviction, the offender might, in the discretion of the court, be punished by imprisonment for life.

Imprisonment in a State prison for life.

Idem, 722, § 9.

2. If the second offense be such that, upon a first conviction, the offender might be punishable by imprisonment in a State prison for a term less than life.

Imprisonment for the longest term prescribed for the punishment of such offense.

Idem, § 9.

3. If the second offense be for petit larceny, or for an attempt to commit an offense which, if perpetrated, would be punishable by imprisonment in a State prison.

Imprisonment in a State prison not to exceed five years.

Idem, § 9.

Squatters.

SQUATTING or intruding upon any lot situate within the limits of any city or incorporated village, or building any shanty, hut, or other structure thereon, without the consent of the owner of such lot.

Imprisonment in a county jail not to exceed six months, or fine not to exceed \$500, or both such fine and imprisonment.

4 Edmund's Stat., 617.

Telegrams.

OPENING OR PUBLISHING willfully or maliciously any telegram or the contents thereof, not addressed to oneself, without the authority of the sender, or that of the person to whom such telegram is sent.

Imprisonment in a county jail not less than three months nor more than one year, or fine not less than \$300 nor more than \$1,000, or both such fine and imprisonment.

Law, 1867, chap. 871.

DIVULGING the contents of any telegram, by any clerk, messenger, operator, or other person, connected with, or employed by, a telegraph company. .
misdemeanor.

Imprisonment in a county jail not less than three months nor more than one year, or fine not less than \$300 nor more than \$1,000, or both such fine and imprisonment.

Idem.

Trade Marks.

FORGING, counterfeiting, or procuring to be forged or counterfeited, any trade mark, private stamp, brand, or wrapper, of any druggist, merchant, or tradesman, with intent to sell or dispose of any goods, drugs, or wares, as those manufactured, prepared, or sold by another.

Imprisonment in a county jail, not less than six months, nor more than one year, or fine not to exceed \$5,000.

Laws, 1862, chap. 306, § 1.

POSSESSING, USING, OR SELLING any forged or counterfeited labels, brands, trade marks, etc., with intent to injure any person or corporation.

Imprisonment in county jail not less than six months nor more than one year, or fine not to exceed \$5,000.

Idem, § 2.

Treason.

1. Levying war against the people of this State within the State; or
2. Combining of two or more persons to usurp the government of this State, or to overturn the same, evinced by a forcible attempt, made within this State to accomplish such purpose; or
3. Adhering to the enemies of this State, while separately engaged in war with a foreign enemy, in cases prescribed by the Constitution of the United States,

and giving to such enemies aid and comfort within this State or elsewhere.

Penalty—Death.

2 Edmund's Stat., 676, §§ 1, 2.

Usury.

UNLAWFULLY receiving, directly or indirectly, any greater interest, discount, or consideration for the loan or forbearance of money than seven per cent. per annum.

Imprisonment in a county jail not to exceed six months, or fine not to exceed \$1,000.

